

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Claims 1 to 7 and 28 to 38 were previously pending and presented for examination. Claims 1 and 6 are amended herein. Claims 36 to 38 are canceled without prejudice. Claims 39 to 41 are newly presented. After entry of these amendments, claims 1 to 7 and 28 to 35, and 39 to 41 will be pending. No amendment is an acquiescence on the merits to any position set forth in the Action.

Claims 1, 2, 4 to 7, 28 to 30, 32 and 34 to 38 stand rejected as allegedly non-compliant with the written description requirement of 35 U.S.C. §112, first paragraph.

Claims 3, 31, and 34 stand objected to as depending from a rejected base claim, but are otherwise deemed to be in condition for allowance. The Applicants thank the Examiner for indicating the subject matter held to be allowable.

The Applicants respond to the above rejections below.

### **Support for the Amendments to the Claims**

Claim 1 was amended to set forth, as suggested by the Examiner, the targeting peptide comprises the targeting peptide sequence GGGVFWQ (SEQ ID NO:1), HGRVRPH (SEQ ID NO:2), VVLVTSS (SEQ ID NO:3), CLHRGNSC (SEQ ID NO:4), or CRSWNKADNRSC (SEQ ID NO:5). Support for this subject matter is found in the previous version of the claim.

Claim 1 was also amended to set forth that the functionally equivalent sequence is a sequence which differs from the recited targeting peptide sequence by a single conservative amino acid substitution. Support for this subject matter is found in the specification *inter alia* in the paragraph beginning at page 16, line 30, which describes that such conservatively substituted variants are *in addition to* other variants of the invention (*see*, page 17, line 3).

Claim 6 was amended to set forth a *fusion* protein. Support for such is found in the first paragraph of the Summary at page 3 of the specification.

New claims 39 to 41 depend from claim 3 and find support, respectively, in original claims 2, 4, and 5.

In view of the above, the Applicants believe the amendments to the claims add no new matter and respectfully request their entry.

**Response to the rejection of claims 1, 2, 4 to 7, 28 to 30, 32 and 34 to 38 as allegedly representing new matter.**

In order to expedite the prosecution of this application, the Applicants have amended the base claim. As amended, claim 1 now makes clearer that the targeting peptide comprises the *entirety* of a recited sequence and not merely a subsequence of a recited sequence.

As amended, the base claim also sets forth that the functionally equivalent sequence differs from a recited targeting peptide sequence by a single conservative amino acid substitution. Noting that, with regard to canceled claim 38, that the Examiner had difficulty finding support for such subject matter in the instant specification, Applicants respectfully point out that support for this subject matter can be found in the paragraph bridging pages 16 and 17.

As to claims 36 to 38, the Applicants have canceled these claims without prejudice in order to expedite prosecution of the application.

In view of the above, the Applicants respectfully request that the above grounds for rejecting the application be reconsidered and withdrawn.

**ADDITIONAL REMARKS/ARGUMENTS**

The Applicants have rewritten previous claim 1 as submitted on March 20, 2006, with all of the changes and included the phrase "from the group consisting of," including strikethrough of the phrase where it is intended. Applicants have further proofed the claims to help assure that all changes are indicated. The amendments to the claims add no new matter and the Applicants respectfully request their entry.

Appl. No. 09/782,650  
Amdt. dated April 18, 2006  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 1635

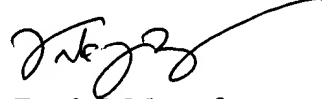
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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